

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, April 21, 1999, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Russ Bayer, Steve Duvall, Gerry Krieser, Greg Schwinn, Cecil Steward, Rick Wallace and Joe Wilson (Ann Bleed and Barbara Hopkins absent); Ray Hill, Mike DeKalb, Jennifer Dam, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Vice-Chair, Russ Bayer called the meeting to order and requested a motion approving the minutes for the meeting held April 7, 1999. Motion to approve made by Duvall, seconded by Krieser and carried 5-0: Duvall, Krieser, Schwinn, Wallace and Wilson voting 'yes'; Bayer and Steward abstaining; Bleed and Hopkins absent.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Bayer, Duvall, Krieser, Schwinn, Steward, Wallace and Wilson; Bayer and Hopkins absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3173; FINAL PLAT NO. 98039, PINE LAKE HEIGHTS 17<sup>TH</sup> ADDITION; FINAL PLAT NO. 98047, NORTHRIDGE HEIGHTS 5<sup>TH</sup> ADDITION; FINAL PLAT NO. 99002, PORTER RIDGE WEST 14<sup>TH</sup> ADDITION; WAIVER OF DESIGN STANDARDS NO. 99004 AND STREET AND ALLEY VACATION NO. 98019.**

**Item No. 1.1, Change of Zone No. 3173,** was removed from the consent agenda and scheduled for separate public hearing at the request of Commissioner Steward.

Steward moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 7-0: Bayer, Duvall, Krieser, Schwinn, Steward, Wallace and Wilson voting 'yes'; Bleed and Hopkins absent.

This is final action on the Pine Lake Heights 17<sup>th</sup> Addition Final Plat, the Northridge Heights 5<sup>th</sup> Addition Final Plat and the Porter Ridge West 14<sup>th</sup> Addition Final Plat, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**CHANGE OF ZONE NO. 3173**  
**TEXT AMENDMENT TO CHAPTER 27.07**  
**OF THE LINCOLN MUNICIPAL CODE**  
**TO ALLOW "ROADSIDE STANDS" AS A**  
**CONDITIONAL USE IN THE AG DISTRICT.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Approval of alternate language submitted by the Law Department.

This item was removed from the Consent Agenda at the request of Commissioner Steward and had separate public hearing.

Steward commented that the roadside stand shall not be closer than 30' to a right-of-way thoroughfare. He inquired whether or not there is any requirement for pull-off safety. Mr. DeKalb stated that there is no such provision. The 30' was existing language; there is usually a shoulder and there is no specific requirement for parking area because it is not a special permit. There is no burden on the property owner to provide vehicular access. Mr. DeKalb suggested that this issue be reviewed in the zoning update because it is existing language and was not requested to be changed as part of the text amendment.

There was no testimony in support nor in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Steward moved approval of the language recommended by staff, seconded by Wilson and carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**COUNTY CHANGE OF ZONE NO. 186**  
**FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL**  
**ON PROPERTY GENERALLY LOCATED AT**  
**N.W. 120<sup>TH</sup> & WEST FLETCHER.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Denial.

Mike DeKalb of Planning staff submitted additional information received since the packet was distributed, including a petition bearing 55 signatures in opposition and two letters in opposition, with concerns about density, water quality and quantity and existing water problems; the need for a comprehensive plan for the area; traffic and road maintenance; erosion; tax increases and natural wildlife.

Proponents

**1. Sherrie Gregory**, the applicant, stated that due to the weather her water studies have not been completed. She will be submitting a full water study report in the next two weeks. She requested a two-week deferral to provide this additional water information. She wants people to be aware that there has never been any decision on the fate of what this development is going to be and how many lots will be developed.

Wallace noted the newspaper advertisement of the lots. Ms. Gregory stated that that advertising did not pertain to these lots. There has been no determination as to the size of these lots, if, in fact, they become lots.

Bayer asked Ms. Gregory whether she has seen a copy of the Lancaster County Land Use Task Force recommendations. Ms. Gregory stated that she was a part of that working group at one time. Bayer asked that Ms. Gregory review this information as he believes it will be helpful. Ms. Gregory does have concerns about the environment and they will be very detailed in their investigations. Ms. Gregory pointed out that there were acres and acres of debris and trash that is being removed at great cost. It will all go into alfalfa at this point.

Duvall moved to defer public hearing and administration action for two weeks until May 5, 1999, seconded by Steward and carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

Opposition

**1. Lynnette Nelson**, 11402 W. Fletcher Avenue, testified in opposition. They built their home 10 years ago on 20 acres. There are 55 opponents who have signed the petition. The water source is natural. 26 wells will impact the surrounding homes; some neighbors have already installed a second well or have water treatment. She is concerned about having sufficient water in the future. In visiting with the Lower Platte NRD, it takes two years to get rural water. The Valparaiso and Raymond area is now in a water study because of their water problems. What about contamination of Pawnee Lake? If the lots drain the water supply or contaminate their wells, these property owners have no recourse. She would like to see rural developers be required to pledge money for the improvements like they have to do in the City. The developer does not have to pledge any funds in the County, and once they get approval of their entrance road from the County Engineer, they can start to sell the lots.

Ms. Nelson also testified that it is not fair to the consumer that Ms. Gregory is already advertising the 3 acre lots. The newspaper ad also talks about great water, but this is yet to be determined. This is false advertising. The Comprehensive Plan shows this area zoned as AG; the neighbors are not against development but they are opposed to density. This applicant can develop 20 acre lots.

Ms. Nelson stated that she was speaking on behalf of approximately 40 people in the audience.

**2. The Malcolm Fire Dept. Chief** testified in opposition with concerns about accessibility to this number of houses and who would maintain those roads. They are concerned about the closeness of the houses and the number of miles they would have to go to haul the water for any kind of fire. The Fire Chief is aware of two acreages that were developed where the driveways have small bridges and they are only accessible to passenger vehicles—they cannot get a fire truck in. What kind of safety regulations will be employed?

**3. Dan Cerny**, 12100 Trails Inn, in Pawnee Estates, directly south of the proposal, testified in opposition. He did not sign the petition because he was out of town when they all met. He is one of the first three occupants of Pawnee Estates and finding a suitable water supply has been a problem since the beginning. His first well would not produce sustainable and sufficient volume for a domestic well. His second well was sounded with electronic equipment that determined the water was flowing from the north, which is the direction of the proposed development. The first home in the area had an even more severe water problem. The original well would not produce sufficient quantity of water so they blew the hole to create an underground cavern in which to store water. That well caved in and the owner was forced to dig 10 test holes on his property before he found one that would bear sufficient water.

In addition, Mr. Cerny believes that strong covenants must be in place like the developer of Pawnee Estates—every building must be constructed on site; no temporary housing during construction; no inoperable vehicles allowed to be stored on the property; signage regulations; etc.

**4. Paul Oneth**, owner of property directly east and adjacent to the proposed property, testified in opposition. He currently has a spring in the creek that also feeds Pawnee Lake and he has concern about that spring drying up. He has two wells, both of which are around 50-55 ft. deep. They had gone down as far as 150' where there were traces of sodium so they backed up to the 55 feet. With regard to debris on the property, a lot of that debris has washed down into the draw and is yet to be cleaned up.

Bayer asked Mr. Oneth where the neighbors got the idea that the property would be developed into 3-acre tracts. Mr. Oneth stated that he has seen the newspaper ads.

**5. Kelly Klenke**, 9401 W. Fletcher, testified in opposition. Ms. Klenke's property is approximately 1.5 miles to the east. She provided descriptions of the soils contained in this area. She is concerned about the groundwater, including the springs that exist in the area. If there is a dense development of 3 or 5 acres and there are several septic systems, do we run the risk of high nitrates or other contaminants leaching into our groundwater, possibly contaminating Pawnee Lake and the wildlife in the area? Her information comes from the Lancaster County Published Soil Survey. In addition, as far as 3-acre lots, she pointed out that Sherrie Gregory started advertising this property on the 14<sup>th</sup> of March, only several days after purchase. At that time, Ms. Klenke called Ms. Gregory and she was told that the property would be developed in 3-5 acres. Developers are sending the message that this will happen without prior consideration as to whether the environment can handle this type of development. We need to start considering comprehensive plans for rural areas. Lancaster County is growing. She moved to the rural area for certain qualities. If we continue to develop hodge-podge across the county with no thought to infrastructure and density, what qualities are going to be there in 10-15 years to attract residents? What guarantees are there that her quality of life will remain? She requested that the Commissioner consider 1) that developers need to have plat maps brought forward with the change of zone; and 2) in the rural areas, we need to step back and take time to address the issues and keep the density at the 20 acres until such time as there is a comprehensive plan.

Ms. Klenke did have the soil information when she purchased her property and she pursued her purchase nonetheless. There are concerns and there are limitations. The property throughout this whole area cannot handle 3-acre lots. She lives on a 10-acre parcel.

Steward agrees about a more directing and carefully articulated Comprehensive Plan; however, if we had had and do in the future have the kind of plan that takes into account the environmental conditions, many of the existing properties would not be allowed. Ms.

Klenke agreed. She is not against development, but everyone has a right to live in the quality of life she has in a rural area. There just needs to be more attention paid to how it is developed.

Response by the Applicant

With regard to the newspaper advertising, Ms. Gregory offered that there has been a misunderstanding. The ads were for a cluster of subdivisions which are 3-7 acre parcels which are in place. She will not have any idea until the water studies are complete as to what the subject parcel would support. She cannot do more than what the land and resources will allow. She apologized for any misunderstanding on the advertising. There is a great deal of interest in this area. There are several options she is considering so she would not commit that they will be acreage lots.

The newspaper ad included the subject property but the water issue was never meant to include this property. She has good water on the other two projects. Bayer believes the advertising is very misleading. Ms. Gregory wants to make that correction and apologized. That was initially to be the scope but it will not happen without the support of the land and the water. She is a stickler on covenants.

This change of zone will have continued public hearing and administrative action on May 5, 1999.

**COUNTY CHANGE OF ZONE NO. 187**  
**and**  
**COUNTY CHANGE OF ZONE NO. 188**  
**FROM AG AGRICULTURAL TO I INDUSTRIAL**  
**ON PROPERTY GENERALLY LOCATED AT THE**  
**CORNER OF HWY 2 AND HWY 43, ALSO KNOWN AS**  
**THE "BENNET CORNER".**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Approval of County Change of Zone No. 187 (property to the south) and denial of County Change of Zone No. 188 (property to the east).

Mike DeKalb of Planning staff submitted a letter from the Chair of the Village of Bennet Planning Commission, pointing out that it had originally been agreed that Bennet Coop have I zoning for the ammonia tanks. Now that the sole purpose of the Bennet Corner is for business, the Bennet Planning Commission does not believe industrial zoning should be pursued and that it should be business zoning.

Proponents

1. **Terry Williams**, operations manager for **Nebraska Retail Ventures**, the applicant, testified in support. He has talked with the Chair of the Bennet Planning Commission. However, the applicant has not had sufficient opportunity to study the issue of changing to business rather than industrial. Nebraska Retail Ventures is not against business zoning at this time, but they have had a problem in the past with signage. The industrial zoning allows the signage they desire. Mr. Williams explained that what started this change of zone request was the attempt to add some pumps and parking lots going across the gravel mud hole to the pumps. In applying for the permits, they found that when the state put in the road, they put a new access to the property but they did not put it on the zoned property but instead on the AG side. To even put in the parking lot and pumps, they had to ask for the additional zoning. At that point, they decided to enlarge the area just to avoid any future problems that they had anticipated. They do not plan to develop everything at this point, just the road going across to the pumps, with the canopy. In the future, they were looking to develop the corner as business. The reason they stayed with industrial zoning is because that was what was in the area. Mr. Williams stated that he will look strongly at the business zoning if it would make the Bennet community happier. He is only reluctant because he does not know what the impact might be as far as moving existing signs, etc. He likes the flexibility of the I zoning because it allows the signage he needs. Mr. Williams stated that he was not aware that there was a concern about industrial uses.

Bayer noted that the staff is recommending approval of the I zoning on the land to the south but denial for the land parallel to Hwy 2. Mr. Williams acknowledged that they were looking at a possible billboard sign for the parcel parallel to Hwy 2. It is not a huge issue, other than the fact that he would rather not have to go through the process again. Their biggest concern is the driveway.

There was no testimony in opposition.

Public hearing closed.

**COUNTY CHANGE OF ZONE NO. 187**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

This is the change of zone for the land south of the Bennet Corner. Steward moved approval, seconded by Duvall.

Wilson understood the applicant to be requesting a delay to investigate the impact of business zoning. Bayer believes that the applicant wanted to proceed with the I zoning and later negotiate back to business.

Motion for approval carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and

Bayer voting 'yes'; Bleed and Hopkins absent.

**COUNTY CHANGE OF ZONE NO. 188**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Steward moved to deny, seconded by Wallace.

Bayer suggested that the applicant try to bring the whole corner back together and get the support of the Bennet Planning Commission.

Motion to deny carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**CHANGE OF ZONE NO. 3165**

**FROM O-2 SUBURBAN OFFICE TO R-6 RESIDENTIAL;**

**CHANGE OF ZONE NO. 3176,**

**TEXT AMENDMENT TO ADJUST THE HEIGHT AND**

**YARDS FOR DOMICILIARY CARE FACILITIES;**

**and**

**SPECIAL PERMIT NO. 552B,**

**TO EXPAND THE EXISTING EASTMONT TOWERS**

**ELDERLY HOUSING AND NURSING HOME FACILITY**

**WITH DOMICILIARY CARE AND ELDERLY HOUSING,**

**ON PROPERTY GENERALLY LOCATED**

**AT 64<sup>TH</sup> STREET AND "O" STREET.**

**PUBLIC HEARING BEFORE THE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Approval of Change of Zone No. 3165 and Change of Zone No. 3176, and conditional approval of Special Permit No. 552B.

**Proponents**

**1. Bob Chitwood, Executive Director of Christian Retirement Homes**, presented the application. Christian Retirement Homes, Inc. (Eastmont Towers) is a not for profit community, one of five retirement communities in the State of Nebraska, providing three levels of continuum of care--202 independent apartments, licensed with the state for assisted living; a 20-bed assisted living facility, and licensed as a scaled nursing facility with 50 beds. Through growth and development and through the fact that seniors are living longer, they see the need for more assisted living and thus began to see how to bring that into being. They have put together an immediate need and long range plan.



Mr. Chitwood stated that they worked with the 275 residents in this process, showing them the plans and getting their insight; they also shared the plans with the 143 staff members, and then invited the immediate neighbors for two different meetings and listened to their concerns.

**2. Michael Bott**, the architect, explained the proposed 5 phases of development: 1) garages located on the south property line, together with a one-story maintenance building of about 2,000 sq. ft. and a connecting link road – this will facilitate and allow the existing garages to be used as a staging area for subsequent development and provide access while the assisted living is being built; 2) assisted living tower of approximately 39,000 sq. ft., three-story building attached to the west side of existing tower 1. This is the cornerstone and main thrust of this proposal; 3) chapel central to the site and attached to an existing community room; 4) administrative offices in the existing community room; and 5) tower 3 addition, three stories of independent living apartments, larger units, 30 total, attached to and contiguous with existing tower 3. This part may not take place in the immediate future. The other four phases they wish to proceed with as soon as possible.

Mr. Bott agreed with all conditions of approval.

Mr. Bott indicated that they have had two meetings with neighborhood groups. He thinks there might be some water issues and the applicant is prepared to address those issues.

### Opposition

**1. Charles Meisinger**, 207 Taylor Park Drive, testified in opposition. He attended the second neighborhood meeting. He took a petition through the neighborhood, which says that the residents in Taylor Park between O and L, 66<sup>th</sup> to Bruce Drive, believe that any future building or additions would be detrimental to their neighborhood and devalue their property; the changes will benefit no one but the owners and operators of Eastmont Towers. There are concerns by the neighbors in the area about the water; the garages being built directly behind their homes; there will be traffic problems with the circle drive. The people he talked to have no complaints with phase 2, 3 and 4. But the garages are a concern, the road is a concern, the maintenance building is a concern and the last building is a large concern with a parking garage, etc. Unit 2 does not infringe upon the neighborhood and the chapel is an addition to an existing building and does not extend into the green area so that is not a problem.

**2. David Patrick**, 6430 Taylor Park Drive, testified in opposition. He has been a neighbor of Eastmont Towers for 30 years. The three-story addition at the southeast edge, phase 5, is actually a five story building with two stories of parking under the three stories of living units. He is not pleased to anticipate a 5-story shadow on his back yard. He is also concerned about the street that will go through there and the traffic which will be going

through their back yard. From the west to the east will look more like a military base than a retirement home. He has had a good view and neighborly stature with Eastmont Towers for a long time and he believes that the neighbors are now becoming the buffer.

Mr. Patrick has talked with the architect about water problems on the southeast portions of the property and he has been assured that they will make drainage considerations to alleviate that problem.

**3. Jack Burke**, 201 Taylor Park Drive, testified in opposition. He was one of the first to move into this area. It was a wide open field at that time and he was told it would be a park. He never objected to Eastmont Towers because the people are great neighbors. The only concern is that the white building gives him quite a reflection and hopefully, the owners will abide by what they say they will do and not continually take advantage of changing the zoning and making changes to proceed further. The garages are a problem because they will be very close to his lot line. He is hopeful that they will put dark roofs on the garages so that there is less reflection.

Response by the Applicant

Mr. Bott testified as to the closeness of the garages on the south property line. There is an 8' to 4' drop from the rear yards of the houses to the Eastmont Towers property. The applicant will push the garages into that so that the roof lines are partially above grade. They will heavily landscape with a brick wall with landscaping in front of it. There are some garages in those rear yards now, so it will impact what they currently view but he believes they can make it decent. This applicant also has a greater desire not to have the traffic buzzing through than the neighbors. If there is any problem with cut-through traffic, Mr. Bott has been informed by the applicant that he can put in a gate with card swipe so that only residents of Eastmont Towers are allowed to get through. They have made designs to not burden the neighborhood with the truck traffic.

Steward inquired about the solar shading. Mr. Bott noted that the subject development is north of the houses so there should be no shading. There will be reflection and they are willing to study those sun angles and make adjustments.

Mr. Bott also assured that they will work with the water drainage issues and will go dark with the garage roofs.

Public hearing was closed.

**CHANGE OF ZONE NO. 3165**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Schwinn moved approved, seconded by Wilson and carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**CHANGE OF ZONE NO. 3176**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Schwinn moved approval, seconded by Duvall and carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**SPECIAL PERMIT NO. 552B**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall.

Bayer trusts that the applicant will work with the neighbors to solve any problems and concerns.

Motion for conditional approval carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**SPECIAL PERMIT NO. 922D**

**TO EXPAND AN EXISTING SALVAGE YARD**

**ON PROPERTY GENERALLY LOCATED**

**AT NORTH 33<sup>RD</sup> & GLADSTONE.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Deferral until the information regarding the location of wetlands has been provided.

Jennifer Dam of Planning staff advised that the wetlands information has been received and the staff revises its recommendation to conditional approval with Condition #2.1.7 revised, "Provide a 404 Permit or a letter indicating a 404 Permit is not necessary from the Army Corps of Engineers." , and add Condition #2.1.13, "Revise the site plan to indicate the existing trees on the western edge of the site will be preserved."

**Proponents**

1. **Brian Carstens** appeared on behalf of the applicant, to answer any questions. He agreed with all staff conditions as revised today.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Duvall moved approval with conditions, as revised, seconded by Steward and carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

This is final action by the Planning Commission unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 1768**

**FOR A 186' MONOPOLE CELLULAR COMMUNICATIONS TOWER**

**ON PROPERTY GENERALLY LOCATED**

**AT NORTH 40<sup>TH</sup> STREET AND ARBOR ROAD.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Conditional approval.

Proponents

**1. Teri Dolezal of Aliant Cellular**, presented the application. Aliant is requesting to locate a tower near the corner of 40<sup>th</sup> & Arbor. They have worked with staff. They had originally chosen a site south and east of this location and it was found to be in the view corridor of the Capitol. Staff is more amenable to this location. At the request of the staff, they have moved the tower closer to the tree line.

Steward asked whether this tower is being engineered for other occupants. Ms. Dolezal stated that they are indeed collocating on this tower; there will be two platforms—one to reach up Hwy 77 and the other lower platform to serve the surrounding area. The tower would be able to hold another provider in between those two platforms or below.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Steward moved approval of staff recommendation of conditional approval, seconded by Wallace and carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

This is final action unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**PRELIMINARY PLAT NO. 97035**  
**MEINTS ADDITION**  
**ON PROPERTY GENERALLY LOCATED**  
**AT NO. 23<sup>RD</sup> STREET AND CORNHUSKER HIGHWAY.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

This item was deferred for two weeks at the request of staff. The application will be re-advertised and the property owners have been notified of this delay.

**WAIVER OF DESIGN STANDARDS NO. 99003**  
**TO WAIVE THE REQUIREMENTS FOR PAVING,**  
**SIDEWALKS AND LOT FRONTAGE, ON PROPERTY**  
**GENERALLY LOCATED AT SOUTH 1<sup>ST</sup> STREET**  
**AND GARFIELD STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Planning staff recommendation: Approval of the waiver of sidewalks as long as the developer does not object to the creation of an assessment district if so ordered by the City Council in the future; approval of the waiver of paving of Rose Street to the south; and denial of the waiver of lot frontage.

Proponents

1. **Bob Ross of Ross Engineering** appeared on behalf of **Infinity S Development Company**. They agree to comply and create Lots 49 and 50 into one lot, thus there is no need to approve the waiver of lot frontage (which staff was recommending be denied).

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Steward moved to approve the Planning staff recommendation as set forth in the staff report dated April 5, 1999, and as set forth above, seconded by Duvall and carried 7-0:

Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**STREET VACATION NO. 99002**  
**TO VACATE "U" STREET FROM THE EAST**  
**LINE OF VACATED NO. 14<sup>TH</sup> STREET TO 120' WEST**  
**OF THE WEST LINE OF NO. 16<sup>TH</sup> STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Proponents

**1. Scott Lewis, Associate Vice Chancellor for Business and Finance of the University of Nebraska-Lincoln**, explained that this proposed street vacation is necessary for the construction of the Kauffman Residential Academic Center in the center of the campus. He has visited with staff about the conditions of approval. The University has no disagreement with retaining permanent utility easements; however, they do have concerns about Condition #2 and Condition #3 to maintain public access and maintain the existing pavement. These would be contrary to their plans. In talking with Public Works, he believes that staff now agrees that there would be no problem in removing these two conditions. The applicant will agree to Condition #4 to provide for coordination of removal of signs and parking meters.

Dennis Bartels of Public Works & Utilities concurred that Condition #2 and Condition #3 could be deleted assuming the pavement remains on 15<sup>th</sup> between U and S. He agrees that it is not necessary to have the through route all the way to 14<sup>th</sup> Street. The concern of Public Works is that there be a way for the people to get down U Street. He believes that the University can now get petitions to vacate the rest of U street and then the concern goes away.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Duvall moved to approve the Planning staff recommendation of conditional approval, with amendments deleting Condition #2 and revising Condition #3, maintaining the existing pavement for 15<sup>th</sup> Street., seconded by Schwinn.

Wilson needed further explanation. Dennis Bartels of Public Works explained that U Street is a public street between 14<sup>th</sup> and 16<sup>th</sup>. Midway between 14<sup>th</sup> and 16<sup>th</sup> there is a street at

about 15<sup>th</sup> Street owned by the University. The Public Works staff is concerned because the last 120' of U Street is not vacated. People turning down U Street do not have a way to get out of there without turning around in the 26' wide pavement. The University's concern is 15<sup>th</sup> west to 14<sup>th</sup> Street. They do not want to maintain the traffic. As long as the 15<sup>th</sup> Street connection is in there, Mr. Bartels doesn't have a problem with it. Until the rest of U Street is vacated, he wants to make sure the circulation stays between 15<sup>th</sup> and 16<sup>th</sup> Street.

At the request of the Commission, Mr. Lewis was asked to come forward to provide further explanation. Mr. Lewis advised that the University currently has 14<sup>th</sup> Street south of Vine vacated; the site for the Kauffman Center does take up the U Street access at the U Street crossing. After the Kauffman center is built, two of the buildings will be demolished and the Master Plan calls for extension of U Street to make what is referred to as the Vine Street Mall. The Master Plan calls for making the S, 15<sup>th</sup>, and U Street a "u" that has two-way traffic to provide access into the quadrangle and access to the health center. There are fraternity houses located on either corner of U and 16<sup>th</sup>. He has discussed with them a possible University request to vacate the remainder of U on out to 16<sup>th</sup> and they have been very supportive as long as they maintain access to the back of their houses. The University will also talk with the sorority houses down on U Street on the same issue. "If we just go ahead and take the 120' street within the University boundaries, we can be responsible for the maintenance but will maintain the rights of access."

Mr. Lewis explained that the major concern is being able to have the section of U between 14<sup>th</sup> and 15<sup>th</sup> so that they can construct the Kauffman Residential Academic Center. The portion of U from 15<sup>th</sup> to 16<sup>th</sup> will be used as a roadway. So as long as the Planning Commission action lets them build on the 14<sup>th</sup> to 15<sup>th</sup> area on U, they are fine.

Duvall stated this to be the intent of his motion.

Bayer clarified then that Condition #2 would be deleted and Condition #3 would be amended such that, "The petitioner will maintain access on U Street from 15<sup>th</sup> to 16<sup>th</sup> Streets".

Motion for conditional approval, with amendments, carried 7-0: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed and Hopkins absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 94-30-11**  
**PURSUANT TO THE 1999 COMPREHENSIVE PLAN ANNUAL REVIEW**  
**CONCERNING EAST "O" STREET.**  
**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Wilson, Schwinn, Krieser and Bayer; Duvall, Bleed and Hopkins absent.

Mike Michaelson, Deputy City Engineer and Project Manager, appeared to answer any questions.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Steward moved approval of the staff recommendation dated April 6, 1999, seconded by Wilson and carried 6-0: Wallace, Steward, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Duvall, Bleed and Hopkins absent.

**OTHER BUSINESS**

April 21, 1999

Members present: Wallace, Steward, Duvall, Wilson, Schwinn, Krieser and Bayer; Bleed and Hopkins absent.

Mike DeKalb of Planning staff suggested that the Commission formally request the Planning Dept. and Law Dept. to look at the existing conditions of Section 27.07.030(c), of the Lincoln Municipal Code, having to do with roadside stands, as part of the zoning update to make sure that parking is adequately provided.

Steward noted that invariably you see a problem of a vendor on the side of the road and someone stops by and there ends up being a stacked up situation with the potential for an accident in the lane. It is the pull-off that he is more concerned about. Mr. DeKalb suggested that adequate pull-off could be investigated in the zoning update if the Commission would like to make that formal direction to staff.

So moved by Steward, seconded by Wilson and carried 6-0: Wallace, Steward, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Duvall, Bleed and Hopkins absent.

**COUNTY CHANGE OF ZONE NO. 184**  
**FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL**  
**ON PROPERTY GENERALLY LOCATED**  
**AT STAGECOACH ROAD AND HIGHWAY 77.**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 21, 1999

Members present: Wallace, Steward, Wilson, Schwinn, Krieser and Bayer; Bleed, Duvall and Hopkins absent.

Mike Rierden submitted a written request for a two-week deferral of administrative action until May 5, 1999.



Wallace moved to defer action for two weeks, seconded by Krieser and carried 6-0: Wallace, Steward, Wilson, Schwinn, Krieser and Bayer voting 'yes'; Bleed, Duvall and Hopkins absent.

There being no further business, the meeting was adjourned at 2:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 5, 1999.

F:\FILES\PLANNING\PC\MINUTES\1999\pcm042199.wpd